

APR 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELISABETH GREEN,

Plaintiff - Appellant,

v.

TENNESSEE VALLEY AUTHORITY; et
al.,

Defendants - Appellees.

No. 07-55126

D.C. No. CV-05-06647-SVW

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted April 13, 2009 **

Before: LEAVY, GRABER, and BEA, Circuit Judges.

Elisabeth Green appeals pro se from the district court's order dismissing her
action brought under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents*

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004) (lack of personal jurisdiction); *Miller v. Yokohama Tire Corp.*, 358 F.3d 616, 619 (9th Cir. 2004) (failure to state a claim). We may affirm on any ground supported by the record. *Forest Guardians v. U.S. Forest Serv.*, 329 F.3d 1089, 1097 (9th Cir. 2003). We affirm.

The district court properly dismissed Green’s claims against Sevier County, Davis, Mathews, Lee, Cash, and various Doe defendants because Green failed to demonstrate that the district court had personal jurisdiction over these non-resident defendants. *See Schwarzenegger*, 374 F.3d at 800 (explaining that the plaintiff bears the burden of demonstrating that jurisdiction is appropriate); *Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (concluding that the district court lacked personal jurisdiction over the non-resident county).

The district court properly dismissed Green’s *Bivens* claim against the Tennessee Valley Authority. *See FDIC v. Meyer*, 510 U.S. 471, 484-86 (1994) (explaining that a *Bivens* action cannot be brought against a federal agency).

Green’s remaining contentions are unpersuasive.

AFFIRMED.